

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C.

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Group I, claims 1-24, drawn to a method for tracking and recording the processing of food products from farm to ultimate customer, classified in class 426, and subclass 231.

Group II, claims 25-39, drawn to a method for tracking and recording the processing of food products from farm where the food product are grown, classified in class 426, and subclass 119.

Group III, claims 40-44, drawn to a method for tracking and recording the production of food products from farm to ultimate customer, classified in class 426, and subclass 87.

2. Inventions Group I, Group II, and Group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I, has separate utility such as for affixation to the product or product container. Invention Group II, has separate utility such as detecting designated products from a number of sources. Invention Group III, has separate

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utility such as tracking the production history of food products, and enabling verification of the origin of such products and to trace back the source of problems that may arise at the consumer level of product distribution. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

6. A telephone call was made to David M. Quinlan on June 4, 2008 to request an oral election to the above restriction requirement, but did not result in an election being made.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARCIA ADE whose telephone number is (571)272-5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571.272.3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Garcia Ade
Patent Examiner
Art Unit 3687

/Vanel Frenel/
Examiner, Art Unit 3687

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